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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,136	03/24/2004	Dan Scott Johnson	200207099-1	5259

22879 7590 01/05/2011

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EXAMINER	
ZHONG, JUN FEI	
ART UNIT	**PAPER NUMBER**
2426	

NOTIFICATION DATE	DELIVERY MODE
01/05/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/808,136	JOHNSON, DAN SCOTT	
	Examiner	Art Unit	
	JUN FEI ZHONG	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,10,11,17,19,21-28 and 34-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,10,11,17,19,21-28 and 34-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1-6, 10-11, 17, 19, 21-28 and 34-45 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 10-11, 17, 24-26, 34-39, 41-42 and 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Youden et al. (Patent # US 5606359).

As to claim 1, Youden discloses an audio/video (A/V) component networking system (Fig. 1), comprising:

a sink component (e.g., set top box or computer) adapted to be communicatively coupled between a source component (e.g., video server) and a presentation device (e.g., television/monitor or any display device capable of showing video program) (i.e., the system inherently has some kind of display device in order to show the video/film to a user) for displaying A/V program data (e.g., video data) and an A/V menu data (e.g., menu data) stream associated with the source component on the presentation device based on a user request transmitted from the sink component to the source component

(e.g., user requests to watch video/film) (see col. 3, lines 42-52; col. 4, line 65-col. 5, line 19;col. 13, line 65-col.15, line 21; Fig. 7a-7d); and

a data manager (e.g., controller 60; Fig. 2 and 3) adapted to identify related A/V program data and automatically transfer (i.e., the video/film data are transmitted from the archival storage to the disk arrays without user's manipulation (automatically)) the A/V program data and the related A/V program data between a database stored in memory (e.g., stores popular films data in disk arrays or RAM) of the source component and an archival storage system (e.g., archival storage) of the source component based on a sequential relationship of the A/V program data and the related A/V program data (e.g., sequences (time) of video/film data), wherein an earlier of the A/V program data and the related A/V program data is stored in the database (e.g., first five minutes of the film), and a later of the A/V program data and the related A/V program data is stored in the archival storage system (e.g., later time of the film) (see col. 4, line 12-19; col. 5, line 28-col. 6, line 56; col. 8, line 47-col. 9, line 16; col. 10, lines 46-62; Fig. 6, 7a-7b).

As to claim 17, Youden discloses an audio/video (A/V) networking method, comprising:

transmitting, via a sink component (e.g., set top box or computer) communicatively coupled between a source component (e.g., video server) and a presentation device (e.g., television/monitor or any display device capable of showing video program) (i.e., the system inherently has some kind of display device in order to show the video/film to a user), A/V program data (e.g., video data) and an A/V menu

data (e.g., menu data) stream from the source component to the presentation device based on a user request transmitted from the sink component to the source component (e.g., user requests to watch video/film) (see col. 3, lines 42-52; col. 4, line 65-col. 5, line 19;col. 13, line 65-col.15, line 21; Fig. 7a-7d); and

identifying related A/V program data and automatically transferring (i.e., the video/film data are transmitted from the archival storage to the disk arrays without user's manipulation (automatically)) the A/V program data and the related A/V program data between a database stored in memory (e.g., stores popular films data in disk arrays or RAM) of the source component and an archival storage system (e.g., archival storage) of the source component based on a sequential relationship of the A/V program data and the related A/V program data (e.g., sequences (time) of video/film data), wherein an earlier of the A/V program data and the related A/V program data is stored in the database (e.g., first five minutes of the film), and a later of the A/V program data and the related A/V program data is stored in the archival storage system (e.g., later time of the film) (see col. 4, line 12-19; col. 5, line 28-col. 6, line 56; col. 8, line 47-col. 9, line 16; col. 10, lines 46-62; Fig. 6, 7a-7b)

As to claim 26, Youden discloses an audio/video (A/V) component networking system, comprising:

a sink component (e.g., set top box or computer) configured to be communicatively coupled between a plurality of source components (e.g., multiple video servers) and a presentation device (e.g., television or any display device capable of

showing video program) (i.e., the system inherently has some kind of display device in order to show the video/film) for displaying an aggregated listing of available A/V program data associated with the plurality of source components on the presentation device such that the location of the A/V program data remains transparent to the user (e.g., user requests VOD) (see col. 3, lines 42-52; col. 4, line 65-col. 5, line 19; col. 6, lines 45-49; col. 13, line 65-col.15, line 21; Fig. 7a-7d); and

a data manager (e.g., controller 60; Fig. 2 and 3) adapted to automatically transfer (i.e., the video/film data are transmitted from the archival storage to the disk arrays without user's manipulation (automatically)) the available A/V program data between a database stored in memory (e.g., stores popular films data in disk arrays or RAM) of the source component and an archival storage system (e.g., archival storage) of the source component based on a sequential relationship of the available A/V program data (e.g., sequences (time) of video/film data), wherein earlier A/V program data is stored in the database (e.g., first five minutes of the film) and later A/V program data is stored in the archival storage system (e.g., later time of the film) (see col. 4, line 12-19; col. 5, line 28-col. 6, line 56; col. 8, line 47-col. 9, line 16; col. 10, lines 46-62; Fig. 6, 7a-7b).

As to claim 5, Youden discloses the system of claim 1, wherein the sink component is adapted to present to the user a listing of the A/V program data available from the source component (e.g., display a menu of available service, such as available films) (see col.15, lines 6-21; Fig. 7c).

As to claim 10, Youden discloses the system of Claim 1, wherein the sink component is adapted to obtain the A/V program data from the source component, decode the A/V program data, and transmit the A/V program data to the presentation device for presentation on the presentation device (e.g., user terminal (set top box) decodes the video data) (see col.9, lines 27-62).

As to claim 11, Youden discloses the system of Claim 10, wherein the sink component is adapted to decode the A/V program data by performing at least one of data decompression, data decryption, data formatting, and data manipulation (e.g., user terminal (set top box) decompress the video data) (see col.9, lines 27-62).

As to claims 24-25, they contain the limitations of claims 10-11 and are analyzed as previously discussed with respect to claims 10-11 above.

As to claim 34, Youden discloses the system of Claim 1, wherein the sequential relationship of the A/V program data is based on a recordation time or receipt time of the A/V program data and the related A/V program data (e.g., stores video data based on time sequent) (see col. 3, lines 52-64; col. 4, line 12-19).

As to claim 35, Youden discloses the system of Claim 1, wherein the sequential relationship of the A/V program data is based on a presentation time of the A/V program

data and the related A/V program data to a user (e.g., playback video based on time) (see col. 10, lines 46-62).

As to claim 36, Youden discloses the system of Claim 1, wherein, upon presentation of the A/V program data to a user, the data manager is adapted to extract next sequential A/V program data from the archival storage system and store the next sequential A/V program data in the database (e.g., recalling video data from archival storage to the disk array) (see col. 10, lines 46-62).

As to claims 37-39, they contain the limitations of claims 34-36 and are analyzed as previously discussed with respect to claims 34-36 above.

As to claim 41, Youden discloses the system of Claim 1, wherein the database and the archival storage system each store, in one instance, an entirety of a respective one of the A/V program data (e.g., one segment of the video) and the related A/V program data (e.g., other segments of the video) (see col. 3, lines 48-64; col. 4, lines 12-19; col. 10, lines 52-62).

As to claim 42, Youden discloses the system of Claim 1, wherein the A/V program data comprises one episode of a television broadcast (e.g., one segment of the video), and the related A/V program data comprises another episode of the television

broadcast (e.g., other segments of the video) (see col. 3, lines 48-64; col. 4, lines 12-19; col. 10, lines 52-62).

As to claims 44-45, they contain the limitations of claims 41-42 and are analyzed as previously discussed with respect to claims 41-42 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youden et al. (Patent # US 5606359) in view of Farrand (Pub # US 20030193619).

As to claim 3, note the discussion above, Youden discloses the sink component and different type of communication networks (see col. 5, lines 2-19). However, Youden does not specifically disclose the sink component comprises a registration module.

In an analogous art, Farrand discloses the sink component (e.g., distributed multimedia node 191, or 192; Fig. 2a) comprises a registration module (e.g., network interface 605) adapted to register a type of communication network for communicating

with the source component (e.g., home media server 110) (i.e., network interface 605 communicates with home media server 110 through network 190, it must known which communication is using (registry), such as Ethernet or IEEE 802.11) (see paragraph 0061, 0121).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select communication networks as taught by Farrand to the VOD system of Youden to effectively communicate different type of devices using different network.

As to claim 21, it contains the limitations of claim 3 and is analyzed as previously discussed with respect to claim 3 above.

As to claim 22, note the discussion above, Youden discloses provide available A/V data from the source component. However, Youden does not specifically disclose filtering a listing of the A/V program data available from the source component based on a format of the A/V program data.

Farrand discloses filtering a listing of the A/V program data available from the source component based on a format of the A/V program data (e.g., audio file, video file; Fig. 13) (see paragraph 0064, 0141).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to file listing as taught by Farrand to the VOD system of Youden to provide different data list based on the file format.

As to claim 23, Youden in view of Farrand discloses the method of Claim 17, further comprising filtering a listing of the A/V program data available from the source component based on a type of the presentation device (e.g., video file play to local TV only; Fig. 13) (see paragraph 0064, 0141).

6. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youden et al. (Patent # US 5606359) in view of Francis et al. (Pub # US 2004/0187152).

As to claim 4, note the discussion above, Youden discloses the sink component and source component (see col. 5, lines 2-19). The sink component must know how to communicate with the source component, such as the source component address or identification (registry). However, Youden does not specifically disclose the sink component comprises a registration module.

In an analogous art, Francis discloses the sink component (e.g., operations control element) comprises a registration module adapted to register the source component with the sink component (i.e., register a device to the system) (see paragraph 0056-0057, 0118-0119; Fig. 4, 6 and 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to register device in the system as taught by Francis to the VOD

system of Youden to provide convenient, inexpensive, and feature filled and reduced size systems with extended capabilities by sharing capabilities of the discrete devices.

As to claim 6, note the discussion above, Youden in view of Francis discloses the sink component (e.g., operations control element) comprises a registration module adapted to register the presentation device with the sink component (i.e., register a new device to the system which includes a television) (see Francis paragraph 0056-0057, 0118-0119; Fig. 4, 6 and 14).

7. Claims 2, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youden et al. (Patent # US 5606359) in view of Margulis (Patent # US 6263503), and further in view of Liebenow (Patent # US 6131136).

As to claim 2, note the discussion above, Youden discloses the sink component, source component and different type of communication networks (see col. 5, lines 2-19). However, Youden fails to disclose select the available types of communication networks based on a type of the source component.

Margulis discloses select the available types of communication networks based on a type of the source component (e.g., using coax for television, using USB 632 to communicate with a personal computer, using control bus 634 to communicate HAVI compatible devices, using WAN 658 to access digital A/V data from internet; base station transmits these data to a remote display) (see col. 9, line 35-col. 10, line 57; Fig. 1, 5, 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the network based on source as taught by Margulis to the system of Youden in order to effectively and efficiently implements a flexible wireless television system that utilizes various heterogeneous components to facilitate optimal system interoperability and functionality (see col. 3, lines 11-16).

Youden and Margulis fail to specifically disclose automatically select a communication network.

Liebenow discloses automatically selecting a communication networks (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the system of Youden as modified by Margulis because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 19, it contains the limitations of claim 2 and is analyzed as previously discussed with respect to claim 2 above.

8. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youden et al. (Patent # US 5606359) in view of Farrand (Pub # US 20030193619), further in view of Liebenow (Patent # US 6131136).

As to claim 27, note the discussion above, Youden discloses the sink component, source component and different type of communication networks (see col. 5, lines 2-19). However, Youden fails to disclose switch from a first type of communication network to a second type of communication network based on a signal condition on the first type of communication network.

Farrand discloses the sink component is configured to switch from a first type of communication network to a second type of communication network (e.g., wire and wireless network) based on a signal condition on the first type of communication network (e.g., device outside of wireless RF transmission rage) (see paragraph 0058-0061).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select communication networks as taught by Farrand to the VOD system of Youden to effectively communicate different type of devices using different network.

Youden and Farrand do not specifically disclose automatically switch communication networks.

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the system of Youden as modified by Farrand because both of the

functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 28, Youden in view of Farrand discloses the sink component is configured to switch from a first type of communication network to a second type of communication network (e.g., wire and wireless network) based on a change in the AV program data being transmitted from the source component (e.g., switch to wire connection if require large bandwidth) (see Farrand paragraph 0058-0061).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

9. Claims 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youden et al. (Patent # US 5606359) in view of Craig (Patent # US 5790176).

As to claims 40 and 43, note the discussion above, Youden discloses based on the sequential relationship of the A/V program data and the related A/V program data, the data manager is adapted to transfer one of the A/V program data and the related A/V program data from the archival storage system to the database (e.g., the video/film data are transmitted from the archival storage to the disk arrays) (see col. 4, line 12-19; col. 5, line 28-col. 6, line 56; col. 8, line 47-col. 9, line 16; col. 10, lines 46-62; Fig. 6, 7a-7b).

However, Youden does not specifically disclose to transfer one of the A/V program data and the related A/V program data from the database to the archival storage system.

Craig discloses the data manager is adapted to transfer one of the A/V program data and the related A/V program data from the database to the archival storage system (e.g., based on data priority) (see col. 9, line 30-col. 10, line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have priority value of the data as taught by Craig to the VOD system of Youden to minimize the delay time for providing a video on demand service to a user.

Response to Arguments

10. Applicant's arguments with respect to claims 1-6, 10-11, 17, 19, 21-28 and 34-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Claims 1-6, 10-11, 17, 19, 21-28 and 34-45 are rejected.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kou et al. (Pub # US 2002/0078293 A1).

Demas et al. (Patent # US 7174085).

Dureau et al. (Pub # US 2003/0093806).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
12/30/2010

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
January 1, 2011